

REMARKS

Claims 34-40 remain pending in the application and were examined in the most recent action. Claims 1-33 and 41-42 are canceled as being directed to non-elected inventions and/or inventions presented in previous or currently pending applications and/or inventions that may be presented in later applications. Reconsideration and allowance of the application is requested in view of the following remarks.

Objection to the Specification

The action objects to the specification, and in particular, the title as alleged not to be descriptive. The applicants respectfully traverse the objection in that the title specifies an apparatus for energy transfer, which certainly encompasses a linkage. Nonetheless, the applicants have no objection to the title proposed by the examiner and therefore have amended the title accordingly.

Claim Rejection Under 35 U.S.C. § 112, Second Paragraph

The action rejected claims 41-42 under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. The action states that the claims while reciting a linkage assembly furthermore recite limitations to transducer structures, namely receiver structures. As such, the action alleges the claims are indefinite.

While the applicants believe the recitation of a receiver and components thereof in the claims add clarity, in response and to advance prosecution of this application the applicants have elected to cancel these claims. As such, the rejection is rendered moot.

Claim Rejection Under 35 U.S.C. § 102(e)

The action rejected claims 34-42 under 35 U.S.C. § 102(e) as allegedly being anticipated by Miller et al. (US 2001/0012375). The applicants note the instant application and the application corresponding to the Miller et al. publication are commonly owned. See assignment data at Reel/Frame 011653/0609 and 014736/0633 for the Miller publication and the instant application, respectively.

The applicants respectfully traverse the rejection. The applicants note that claim 34 recites, among other things, a first leg member and a second leg member formed from the strip. The Miller publication describes and claims several embodiments of a linkage assembly, and for example, the linkage assembly 16. The Miller publication furthermore describes the linkage assembly 16 being coupled to a bracket 18. The Miller publication does not describe the bracket 18 or any leg portions thereof or of the linkage assembly as being formed from a strip that also forms the linkage assembly 16.

The Miller publication does not anticipate the invention set forth by the pending claims, and the claims are therefore novel over the Miller publication. At best the Miller publication may form the basis of a rejection under 35 U.S.C. § 103(a); however, the applicants need not address the merits of such a contention. Under 35 U.S.C. § 103(c), in view of the common ownership of the Miller publication and the instant application now and at the time of the invention of the subject matter of each, the Miller publication is not available as prior art against the instant application under 103(a).

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Therefore, the pending claims are allowable, and such action is requested. Moreover, the application as a whole is in condition for allowance, and such action is requested.

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Respectfully submitted,

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